UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,603	10/08/2000	Mark Yablonski	020431.0990	5144

53184 7590 08/19/2008

i2 TECHNOLOGIES US, INC.
ONE i2 PLACE, 11701 LUNA ROAD
DALLAS, TX 75234

EXAMINER	
WANG, JIN CHENG	
ART UNIT	**PAPER NUMBER**
2628	

MAIL DATE	DELIVERY MODE
08/19/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 09/680,603	**Applicant(s)** YABLONSKI ET AL.	
	Examiner JIN-CHENG WANG	**Art Unit** 2628	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires *3* months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *47,48,50-56 and 58-72*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See below .
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Jin-Cheng Wang/
Examiner, Art Unit 2628

Continuation of Item 11: Applicant argues in essence with respect to the claim 47 and similar claims the claim limitation of "a multi-dimensional axes data hiearchy including a top layer hiearchy associated with a first axis dimension, a top layer hiearchy associated with a second axis diemsnion, and a top layer hiearchy associated with a third axis dimension". Strasnick teaches these claim limitations for the following reasons.

Strasnick clearly teaches in Fig. 2a, Fig. 7 and 14 and column 22 a top layer hierarchy (e.g., the product cells such as ALL for all products as the hierarchy is controlled by the display control) associated with a first axis dimension (x-axis hierarchy or z-axis hierarchy when the function values are associated with the product cells; see column 6, lines 43-67, non-leaf cells or parent cells are regarded as cells in a top layer hierarchy) and a top layer hierarchy (ALL for a TOTAL of the first quarter, second quarter, third quarter and fourth quarter of Sales data and the hierarchy is controlled by the display control; see column 22, lines 10-67; see also column 16, lines 45-67 for the displayed objects along the y-axis dimension wherein the displayed objects in the y-axis dimension are in the hierarchical structure) associated with a second axis dimension (y-axis).

Strasnick further teaches A TOP LAYER HIEARCHY associated with a third axis dimension. Strasnick discloses in Fig. 10B, 11 and column 22 a value hierarchy wherein the values are represented in different heights and colors to indicate the attributes of the data and the values may be SUMMARIZED in a three-dimensional graph display. SUMMARIZATION of the values in the data value hiearchies represents the top layer hierarchy for the values in the third axis dimension (z axis). See Fig. 11 wherein the data value hierarchies are associated with the three-dimensional graph having the first dimension axis----- sales by regions or employee organizations, the second dimension axis-----year/quarter/months and the third dimension axis----product items arranged in the value hierarchies wherein the value hierarchies are arranged in terms of the product items and the product items are further divided into the product item quota, the product item sale represented by the heights and colors.

Strasnick clearly teaches that the sales and quota of product items are represented by the height and color and thereby value hierarchies is taught by Strasnick.
Strasnick clearly discloses in Fig. 14 a three-dimensional hierarchy of data structures in which the data objects are navigated and visualized in the three-dimensional layout. Moreover, Strasnick discloses in column 21, lines 30-40 a hierarchical tree structure of nodes in a 3D layout of the nodes/cells or data attributes in a hierarchy wherein the nodes/cells/attributes of the hierarchical tree are distributed/mapped to the coordinates in the 3D space and thus graphical structure has a top layer hierarchy associated with the x-axis in the 3D space, a top layer hierarchy associated with the y-axis in the 3D space and a top layer hierarchy associated with the z-axis in the 3D space (See Figs. 14-18).

The claim limitation of "axis" is clearly a broad term and is met by Strasnick. The claim limitation of "a top layer hiearchy" is clearly a broad term is met by Strasnick's summarization of the data value hierarchies. Applicant ignored the teaching in column 22 that the values may be summarized in a three-dimensional graph display wherein the three-dimensional graph display clearly has an x-axis, a y-axis and a z-axis. However, Applicant still insisted that Strasnick's 3D graph display of the multi-dimensional data does not teach the broad term "axis". Applicant argues with respect to the teaching of "x-axis width" for a particular data element. Applicant clearly erred in his argument. When Strasnick teaches "x-axis width" for a particular data element, that data element is located on the x-axis and has a width on the x-axis. Thus, Strasnick teaches x-axis. Moreover, the claim 47 and similar claims broadly recite "a first axis dimension". Strasnick's x-axis width is clearly meets the x-axis dimension.

In response to the Office Action dated 5/29/2008, applicant alleged that Strasnick failed to teach the claim limitations set forth in the claim 47 and similar claims. Applicant failed to directly respond to the rationale of rejection detailed in the Office Action.